

Claim 11 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make or use the invention with regard to pF1V.

Applicants submit herewith a copy of a facsimile letter received from ATCC Patent Depository showing the deposit of pF1V under the Budapest Treaty for the Purposes of Patent Procedure on January 8, 2004. The deposit was given accession no. PTA-5750, and was found viable when tested. Applicants hereby declare that the deposit has been accepted by an International Depository Authority under the provisions of the Budapest Treaty, that all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application and that the deposit will be replaced if viable samples cannot be dispensed by the depository. Applicants further state that the construct pF1V described in the specification as filed is the same as that deposited in the depository. A declaration from Dr. Arthur M. Friedlander corroborating that the deposited biological material is the same as that identified in the application at the time of filing. Applicants believe that they have satisfied the deposit requirements and hence the description requirements. Withdrawal of the rejection is respectfully requested.

All objections and rejections have been addressed. This application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First class mail in an envelope addressed to, Mail Stop After Final, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on March 25, 2004.

By S.A. Pratt
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